

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

---

WILLIAM KUEBLER  
3843 Schenley Avenue  
Gastonia, North Carolina 28056

Plaintiff,

-VS-

THE DIOCESE OF BUFFALO, N.Y.  
A/K/A DIOCESE OF BUFFALO  
795 Main Street  
Buffalo, New York 14203

ST VINCENT DE PAUL  
2050 South Creek Road  
North Evans, New York 14047

Defendants.

---

**TO THE ABOVE-NAMED DEFENDANTS:**

**YOU ARE HEREBY SUMMONED AND REQUIRED** to serve upon the Plaintiff's attorney, at the address stated below, a written Answer to the attached Complaint.

If this Summons is served upon you within the State of New York by personal service, you must respond within TWENTY (20) days after service, not counting the day of service. If this Summons is not personally delivered to you within the State of New York, you must respond within THIRTY (30) days after service is completed, as provided by law.

If you do not respond to the attached Complaint within the applicable time limitation stated above, a Judgment will be entered against you, by default, for the relief demanded in the Complaint without further notice to you.

Plaintiff designates Erie County as the place of trial. Venue is based on Defendants'

principal office locations.

Dated: August 20, 2019  
Eden, New York



Jason M. Telaak, Esq.  
R. Colin Campbell, Esq.  
CAMPBELL & ASSOCIATES  
Attorneys for Plaintiff  
8274 North Main Street  
Eden, New York 14057  
(716) 992-2222

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ERIE

---

WILLIAM KUEBLER,

Plaintiff,

-vs-

THE DIOCESE OF BUFFALO, N.Y.  
A/K/A DIOCESE OF BUFFALO, and  
ST. VINCENT DE PAUL,

Defendants.

---

**COMPLAINT**

Index No. \_\_\_\_\_

Date Filed \_\_\_\_\_

Plaintiff, WILLIAM KUEBLER, by his attorneys, CAMPBELL & ASSOCIATES, for his  
Complaint against the Defendants, above-named, herein alleges:

1. At all times material to this Complaint, Plaintiff, WILLIAM KUEBLER, was a  
resident of the State of New York.

2. Upon information and belief, presently and at all times hereinafter mentioned,  
Defendant THE DIOCESE OF BUFFALO, N.Y. ("THE DIOCESE") is and was a domestic not-  
for-profit corporation doing business and transacting business in the County of Erie and State of  
New York, with a principal place of business in the County of Erie and State of New York.

3. Upon information and belief, presently and at all times hereinafter mentioned,  
Defendant ST. VINCENT DE PAUL ("ST. VINCENT'S") is and was an organization authorized  
to do business and transact business in the County of Erie and State of New York, with a principal  
place of business at 2050 South Creek Road, North Evans, New York 14047.

4. This action is being commenced pursuant to the Child Victims Act, in accordance  
with CPLR 208 (b) and CPLR 214 (g).

5. Upon information and belief, at all times material herein, ST. VINCENT'S was and continues to be under the direct authority and control of THE DIOCESE.

6. Upon information and belief, at all times material herein, THE DIOCESE and/or ST. VINCENT'S owned, operated, managed, maintained, and controlled ST. VINCENT'S and its priests, officers, employees, and/or agents.

7. Upon information and belief, at all times material herein, Father Bernard M. Mach ("Father Mach") was a priest employed by Defendants, THE DIOCESE and/or ST. VINCENT'S, and was under Defendants' supervision and control.

8. Upon information and belief, at all times material herein, THE DIOCESE was responsible for appointing, hiring, training, supervising, and terminating all persons working within the Diocese, including but not limited to Father Mach.

9. Upon information and belief, at all times material herein, ST. VINCENT'S was responsible for appointing, hiring, training, supervising, and terminating its priests, officers, employees, and/or agents, including but not limited to Father Mach.

10. Upon information and belief, Defendants placed Father Mach in a position where he had access to and worked with children in connection with his employment and tasked him with providing guidance, mentoring, counseling, and advice to parishioners, including but not limited to children such as the Plaintiff.

11. Upon information and belief, Defendants held out their priests, leaders, and agents as individuals with significant authority, morality, and spirituality and taught children and their families to obey, respect, and trust said priests, leaders, and agents.

12. Upon information and belief, Defendants allowed Father Mach to have unfettered and unsupervised access and control of children, including but not limited to the Plaintiff.



13. Plaintiff and his family came in contact with Father Mach at ST. VINCENT'S while Father Mach was employed as a priest and acting as an agent and representative of Defendants.

14. Plaintiff was raised in a devout Catholic family, attended Catholic school, and served as an alter server. During and through these activities, Plaintiff was taught to obey, respect, and trust the Catholic Church, including the Defendants and Father Mach.

15. During and through these activities, Plaintiff, as a minor and vulnerable child, was dependent on Defendants and Father Mach. Defendants had custody of Plaintiff and accepted the entrustment of him and, thus, had responsibility for and authority over Plaintiff.

16. Plaintiff's relationship to Defendants and Father Mach, as a vulnerable child, parishioner, student, and alter server, was one in which Plaintiff was subject to the ongoing influence of Defendants and Father Mach.

17. Upon information and belief, from approximately 1967-1968, when plaintiff was approximately 15-16 years old, Father Mach engaged in unpermitted sexual contact with Plaintiff.

18. The relationship of Plaintiff with the Defendants, Father Mach, and the Catholic Church more generally created pressure on Plaintiff not to report the abuse.

19. Upon information and belief, prior to Plaintiff's sexual abuse, Defendants, by and through their priests, officers, employees, and/or agents, knew or should have known that Father Mach was not fit to work with children, was a danger to children, had a propensity to commit sexual abuse of children, and was not fit to have unfettered, unrestricted, and unsupervised access to children.

20. Upon information and belief, prior to Plaintiff's sexual abuse, Defendants, by and through their priests, officers, employees, and/or agents, knew or should have known they had numerous priests, officers, employees, and/or agents who had sexually abused children, were at

risk for recidivism, and there was a specific danger of child sexual abuse for children participating in unsupervised church activities such as altar serving; therefore, at the very least, Defendants knew or should have known of the need to properly investigate, supervise, and/or monitor these activities.

21. Despite the foregoing, Defendants negligently, carelessly, and/or recklessly allowed Father Mach to continue to work with children; allowed him to have unfettered, unrestricted, and unsupervised access to children; and failed to properly investigate, supervise, and monitor Father Mach.

22. Defendants were negligent, careless, and/or reckless in failing to properly appoint, hire, train, and supervise its priests, officers, employees, and/or agents, including but not limited to Father Mach.

23. Defendants were negligent, careless, and/or reckless in failing to properly terminate its priests, officers, employees, and/or agents, including but not limited to Father Mach.

24. Defendants were negligent, careless, and/or reckless in failing to protect children, including the Plaintiff, from the dangers of child sex abuse of which it knew or through the exercise of reasonable care should of known; in failing to properly develop, implement, and enforce policies and procedures to prevent child sex abuse; in failing to adequately warn families and children of the risk of child sex abuse of which Defendants knew or should have known; in failing to adequately investigate the risks of child sex abuse of which Defendants knew or should have known; in failing to properly appoint, hire, train, supervise and/or terminate their priests, officers, employees, and/or agents, including but not limited to Father Mach.

25. Defendants additionally violated a legal duty by failing to report known and/or suspected abuse of children by Father Mach and/or its other agents to the police and law enforcement.

26. Plaintiff's abuse was caused wholly and solely by the carelessness, negligence, and/or recklessness of the Defendants and their priests, officers, employees, and/or agents, without any fault or want of care of the Plaintiff contributing thereto.

27. As a result of the foregoing, Plaintiff has suffered and will continue to suffer physically, emotionally, and psychologically; has suffered and continues to suffer severe and permanent emotional distress; has been and continues to be prevented from performing his normal daily activities and fully enjoying life; has required and continues to require medical and/or psychological treatment, therapy, and counselling; and has incurred and continues to incur economic loss, all to his damage in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A FIRST CAUSE OF ACTION:**  
**NEGLIGENCE**

28. Plaintiff repeats and realleges paragraphs 1-27 as if fully set forth herein.

29. Defendants owed Plaintiff a duty of reasonable care to protect him from injury.

30. Defendants owed Plaintiff a duty of reasonable care because they had superior knowledge about the risks Father Mach posed to Plaintiff, the risk of abuse in general in their programs, and the risks their facilities posed to children.

31. Defendants owed Plaintiff a duty to protect him from harm because Defendants, by and through their priests, officers, employees, and/or agents, created a foreseeable risk of harm to children such as Plaintiff.



32. Due to the high degree of vulnerability of the children entrusted to Defendants' care, and Defendants' authority, power, and control over children such as the Plaintiff, Defendants also had a duty of reasonable care arising from their special relationship with Plaintiff and his parents to properly train and supervise their priests, officers, employees, and/or agents.

33. By holding out Father Mach as safe to work with children, and by undertaking the custody, supervision, and/or care of Plaintiff, Defendants entered into a fiduciary relationship with Plaintiff, held a position of empowerment over Plaintiff, accepted this position of empowerment, and exploited this position of empowerment, putting Plaintiff at risk to be sexually assaulted.

34. By accepting custody of the minor Plaintiff, Defendants established an *in loco parentis* relationship with Plaintiff and owed a duty to protect Plaintiff from injury.

35. As a result of the foregoing, Defendants had an express and/or implied duty to properly supervise Plaintiff to prevent harm from foreseeable dangers, to provide a reasonably safe environment for children such as Plaintiff, and to exercise reasonable care.

36. Defendants also had a duty to protect Plaintiff from harm because Defendants invited Plaintiff onto their property, and Father Mach posed a dangerous condition of which Defendants knew or should have known.

37. Defendants breached their duties to Plaintiff by failing to use reasonable care, failing to properly supervise Father Mach, failing to properly supervise Plaintiff, and failing to protect Plaintiff from a known danger.

38. Upon information and belief, the Defendants, by and through their priests, officers, employees, and/or agents, caused and/or had actual notice and/or constructive notice of the aforesaid dangers and failed to remedy same within a reasonable period of time.



39. As a result of the foregoing, Plaintiff has suffered and will continue to suffer physically, emotionally, and psychologically; has suffered and continues to suffer severe and permanent emotional distress; has been and continues to be prevented from performing his normal daily activities and fully enjoying life; has required and continues to require medical and/or psychological treatment, therapy, and counselling; and has incurred and continues to incur economic loss, all to his damage in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION:**  
**NEGLIGENT TRAINING AND SUPERVISION**

40. Plaintiff repeats and realleges paragraphs 1-39 as if fully set forth herein.

41. At all times material, Father Mach was employed by Defendants and was under Defendants' direct supervision, employ, and control when he committed the wrongful acts alleged herein.

42. Father Mach engaged in wrongful conduct while acting in the course and scope of his employment with Defendants and/or accomplished the sexual abuse by virtue of his job-created authority.

43. Defendants had a duty, arising from their employment of Father Mach, to ensure Father Mach did not sexually molest children.

44. Defendants had a duty to train and educate priests, officers, employees, and/or agents to establish adequate and effective policies and procedures to detect, prevent, and address inappropriate behavior between priests and children.

45. Defendants were negligent in the training, supervision, and instruction of their priests, employees, officers, and/or agents.

46. Defendants failed to properly educate, train, supervise, and/or monitor their priests, employees, officers, and/or agents regarding policies and procedures that should be followed when the sexual abuse of a child is suspected or observed.

47. Defendants were negligent in failing to supervise, monitor, and/or investigate Father Mach and/or in failing to create, implement, and/or enforce rules, policies, and/or procedures to prevent Father Mach from sexually abusing the Plaintiff.

48. In failing to properly supervise Father Mach, and in failing to establish training procedures for its priests, officers, employees, and/or agents, Defendants failed to exercise reasonable care.

49. As a result of the foregoing, Plaintiff has suffered and will continue to suffer physically, emotionally, and psychologically; has suffered and continues to suffer severe and permanent emotional distress; has been and continues to be prevented from performing his normal daily activities and fully enjoying life; has required and continues to require medical and/or psychological treatment, therapy, and counselling; and has incurred and continues to incur economic loss, all to his damage in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A THIRD CAUSE OF ACTION:**  
**NEGLIGENT RETENTION**

50. Plaintiff repeats and realleges paragraphs 1-49 as if fully set forth herein.

51. Defendants, by and through their priests, officers, employees, and/or agents, were negligent, careless, and/or reckless in that, prior to Plaintiff's sexual abuse, they knew or should have known they had numerous priests, officers, employees, and/or agents who had sexually abused children, were at risk for recidivism, and there was a specific danger of child sexual abuse

for children participating in unsupervised church activities such as alter serving, yet Defendants failed to properly investigate and/or failed to take proper action to remedy the problem.

52. Defendants, by and through their priests, officers, employees, and/or agents, were negligent, careless, and/or reckless in that, prior to Plaintiff's sexual abuse, they knew or should have known that Father Mach was not fit to work with children, was a danger to children, had a propensity to commit sexual abuse of children, and was not fit to have unfettered, unrestricted, and unsupervised access to children, yet Defendants failed to properly investigate, failed to take proper action to remedy the problem, and/or failed to terminate Father Mach or at least remove him from working with children

53. Defendants were negligent, careless, and/or reckless in allowing Father Mach to continue working with children and having unrestricted, unfettered, and unsupervised access to children considering what Defendants knew or should have known about his propensities for child sexual abuse.

54. Defendants breached their duty to Plaintiff by continuing to employ Father Mach in a position of authority through which he had access to and control over children such as the Plaintiff.

55. Defendants negligently, carelessly, and/or recklessly retained Father Mach with knowledge of Father Mach's propensity for the type of behavior which resulted in Plaintiff's injuries in this action.

56. Defendants negligently, carelessly, and/or recklessly retained Father Mach in a position where he had access to children and could foreseeably cause harm which Plaintiff would not have been subjected to had Defendants acted reasonably.



57. In failing to timely remove Father Mach from working with children or terminate his employment, Defendants negligently, carelessly, and/or recklessly failed to exercise reasonable care.

58. As a result of the foregoing, Plaintiff has suffered and will continue to suffer physically, emotionally, and psychologically; has suffered and continues to suffer severe and permanent emotional distress; has been and continues to be prevented from performing his normal daily activities and fully enjoying life; has required and continues to require medical and/or psychological treatment, therapy, and counselling; and has incurred and continues to incur economic loss, all to his damage in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A FOURTH CAUSE OF ACTION:**  
**PUNITIVE DAMAGES**

59. Plaintiff repeats and realleges paragraphs 1-58 as if fully set forth herein.

60. Upon information and belief, Plaintiff's abuse was caused or contributed to due to the reckless and/or willful conduct of the Defendants, THE DIOCESE OF BUFFALO, N.Y. a/k/a DIOCESE OF BUFFALO and ST. VINCENT DE PAUL, and, as a result, Plaintiff is entitled to punitive damages in an amount to be determined by the trier of fact, all to his damage in an amount in excess of jurisdictional limits of all lower courts which would otherwise have jurisdiction over this action.

**WHEREFORE**, Plaintiff, WILLIAM KUEBLER, demands judgment against the Defendants, THE DIOCESE OF BUFFALO, N.Y. a/k/a DIOCESE OF BUFFALO and ST. VINCENT DE PAUL, in an amount to be determined by the trier of fact, together with the costs

and disbursements of this action, and for such other and further relief as the Court deems just and proper.

Dated: August 20, 2019  
Eden, New York

  
\_\_\_\_\_  
Jason M. Telaak, Esq.

CAMPBELL & ASSOCIATES  
Attorneys for Plaintiff  
8274 North Main Street  
Eden, New York 14057  
(716) 992-2222